

DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT

COUNTY OF MAUI

Adoption of Chapter 15-101

Rules of the Director of the Department
of Public Works and Waste Management
Pertaining to Plan Review Waiver Building Permits

SUMMARY

1. The Rules and Regulations of the Director of the Department of Public works Pertaining to Plan Review Waivers is repealed.

2. Chapter 1 of Title 15, entitled "Rules of the Director of the Department of Public Works and Waste Management Pertaining to Plan Review Waiver Building Permits", is adopted to read as follows:

"TITLE MC-15
DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT

SUBTITLE 01
DIRECTOR OF THE DEPARTMENT OF
PUBLIC WORKS AND WASTE MANAGEMENT

CHAPTER 101

RULES OF THE DIRECTOR OF
PUBLIC WORKS AND WASTE MANAGEMENT
PERTAINING TO PLAN REVIEW WAIVER BUILDING PERMITS

Subchapter 1 General Provisions

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SUBCHAPTER 1
GENERAL PROVISIONS

§15-101-1 Title. The rules in this chapter shall be known as the "Rules of the Director of Public Works and Waste Management Pertaining to Plan Review Waiver Building Permits". [Eff. 3/29/01] (Auth: MCC §16.26.106.4.1(b)) (Imp: MCC §16.26.106.4.1(b))

§15-101-2 Purpose. These rules set forth the procedures for obtaining plan review waiver building permits. [Eff. 3/29/01] (Auth: MCC §16.26.106.4.1(b)) (Imp: MCC §16.26.106.4.1(b))

§15-101-3 Applicability. (a) The plan review waiver building permit shall be allowed only for the following types of improvement:

- (1) Single-family dwelling;
- (2) Accessory structures to single family dwellings; and
- (3) Commercial interior and tenant improvements certified by a licensed architect or structural engineer as having a construction cost under \$125,000 or as otherwise provided by ordinance.

The minimum value of the construction work shall be based on the latest building valuation data provided by the International Congress of Building Officials. In the case of disputes as to the value of such construction work, the decision of the director of the department of public works and waste management shall be final.

(b) These rules shall not apply to building permit applications that propose construction work on property that abuts the shoreline or any beach reserve or were submitted to abate an existing building code violation. [Eff. 3/29/01] (Auth: MCC §16.26.106.4.1(b)) (Imp: MCC §16.26.106.4.1(b))

§15-101-4 Process submittals. The following information shall be submitted before a plan review waiver building permit will be allowed:

- (a) The description of the work to be performed;
- (b) A letter of request from a licensed architect or engineer, whose stamp appears on the plans, specifically requesting a plan review waiver building permit, acknowledging the duties and responsibilities under these rules and representing that the architect or engineer is authorized to act on behalf of the owner of the property to be improved;
- (c) A letter from the applicant stating that the architect or engineer is authorized to act on the applicant's behalf in applying for the plan review waiver building permit;
- (d) A letter from the architect or engineer certifying that all applicable county, state and federal requirements necessary for the issuance of a building permit have been met;
- (e) Seven sets of construction plans (nine sets for commercial projects);
- (f) An executed and notarized non-occupancy agreement prepared in a form acceptable to the department of the corporation counsel;
- (g) Evidence of payment of park and sewer assessments, if applicable;
- (h) For any restaurant or commercial kitchen project a grease trap/interceptor approval from the wastewater reclamation division;
- (i) Completed grading and grubbing permit check form, if applicable;
- (j) Completed zoning and flood confirmation request and special management area assessment/exemption forms, if applicable, from the department of planning. [Eff. 3/29/01] (Auth: MCC §16.26.106.4.1(b)) (Imp: MCC §16.26.106.4.1(b))

§15-101-5 Permit issuance. Permits shall be issued within thirty days after receipt of the completed permit application and all required information. The County shall endorse in writing or stamp its approval on the submitted plans. [Eff. 3/29/01] (Auth: MCC §16.26.106.4.1(b)) (Imp: MCC §16.26.106.4.1(b))

§15-101-6 Occupancy of permitted structure. No permitted structure shall be occupied before the director of public works and waste management has released the

permittee from the non-occupancy agreement. Before any structure may be occupied or used, the owner shall show to the satisfaction of the director of public works and waste management that all applicable county, state and federal requirements have been met. If the structure is occupied prior to obtaining a release from the non-occupancy agreement, a \$500 fine shall be collected prior to the issuance of the release. [Eff. 3/29/01] (Auth: MCC §16.26.106.4.1(b)) (Imp: MCC §16.26.106.4.1(b))

§15-101-7 Limitations on number of certifications.

(a) At any time each architect and engineer shall be limited to ten active building permits issued under these rules. Active building permit means a plan review waiver building permit whose non-occupancy agreement has not been released.

(b) At any time only one active plan review waiver building permit shall be issued for each unit or space within a building or structure. [Eff. 3/29/01] (Auth: MCC §16.26.106.4.1(b)) (Imp: MCC §16.26.106.4.1(b))

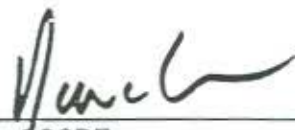
§15-101-8 Violations. If a notice of violation has been issued for any nonconformity in the building permit construction plans, and that violation is not successfully appealed to the board of variances and appeals, then the architect or engineer who certified the project shall not be eligible for certifying another plan review waiver building permit application pursuant to these rules for a period of one year beginning on the date that the notice of violation becomes final. Pursuant to subsection 16.26.106.4.1(b)3. of the Maui County Code, the director of public works and waste management shall be required to notify the state board of professional engineers, architects, surveyors and landscape architects of said notice of violation. [Eff. 3/29/01] (Auth: MCC §16.26.106.4.1(b)) (Imp: MCC §16.26.106.4.1(b))


§15-101-9 Appeals. Any person aggrieved by a decision of the director of public works and waste management hereunder may appeal to the board of variances and appeals pursuant to §19.530.030(c) of the Maui County Code. [Eff. 3/29/01] (Auth: MCC §16.26.106.4.1(b)) (Imp: MCC §16.26.106.4.1(b))

ADOPTED this 6th day of March, 2001, at
Wailuku, Maui, Hawaii.

Chapter 101, Rules and Regulations of the Director
of Public Works and Waste management Pertaining to Plan
Review Waiver Building Permits take effect ten (10) days
after filing with the Office of the County Clerk.


DEPARTMENT OF PUBLIC WORKS AND
WASTE MANAGEMENT

By 
DAVID GOODE
Director of Public Works and
Waste Management


JAMES N. APANA, JR.
Mayor, County of Maui

Approved this 28th day of
February, 2001.

APPROVED AS TO FORM
AND LEGALITY:


HOWARD M. FUKUSHIMA
First Deputy Corporation Counsel
County of Maui

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Received this 19th day of
March, 2001.


Clerk, County of Maui

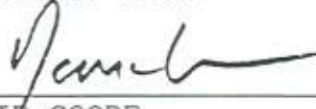
CERTIFICATION

I, David Goode, Director of Public Works and Waste Management, County of Maui, hereby certify:

1. That the foregoing is a full, true and correct copy of Chapter 101, Rules of the Director of Public Works and Waste Management Pertaining to Plan Review Waiver Building Permits, drafted in Ramseyer format, pursuant to the requirements of Section 91-4.4, Hawaii Revised Statutes, which were adopted by The Dept. of Public Works + Waste Management on the 6th day of March, 2001, and filed with the Office of the County Clerk; and

2. That the notice of public hearing on the foregoing rules was published in the Hawaii State and County Public Notices on January 15 and 22, 2001.

COUNTY OF MAUI



DAVID GOODE
Director of Public Works and
Waste Management